



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,339	10/14/2003	G. Eric Engstrom	109909-135059	7182

25943 7590 11/28/2007
SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER

CHO, UN C

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,339	ENGSTROM ET AL.	
	Examiner	Art Unit	
	Un C. Cho	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/2007 has been entered.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

Claim 1, line 14 recites "saving the selected state of a second activity..." it should recite "saving the selected state of the second activity..." instead.

The examiner kindly requests the applicant to carefully check all the claims for minor informalities.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "... re-entry into the selected state..." in lines 15–16.

6. Claim 14 recites the limitation "wherein the first and *fourth*" in line 1.

There is insufficient antecedent basis for the above-mentioned limitations in the claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard et al. (US 6,415,164 B1) in view of Kraft (US 6,381,474 B1).

Regarding claim 1, Blanchard discloses a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity (Blanchard: Col. 2, lines 26 – 51); a navigation button (menu keys; Fig. 2, elements 221 – 224); and a menu driver to facilitate a user to navigate directly from one activity to another, in response to user inputs provided through the navigation button (Blanchard: Col. 5, lines 28 – 39); and the menu driver adapted to facilitate a user in navigating, in a sequence comprising navigating from any state of a first activity to an initial state of a second activity, from the initial state of the second activity to a selected state of the second activity, and from the selected state to any state of a third

activity, each facilitated without interveningly navigating to any other navigational states capable of receiving user input, the second activity different from the first and third activities (Blanchard clearly discloses a first, a second, a third, a fourth and a fifth activities which can be accessed using the navigation buttons as shown in Fig. 3, whereas the user can navigate from one activity to the initial state of another or from another state to the initial state of another activity (Fig. 3, element 210 in the direction of Fig. 3, element 350 and vice versa), moreover, the darkened elliptical, represents the states of each activities (Fig. 3, elements 210, 320, 330, 340 and 350), for example, the user moves from the first activity of a first state to another activity, whereas if the user wants to come back from the another activity to the first activity, the first activity, previously accessed, will show the initial state having a darkened elliptical; Blanchard: Col. 6, lines 7 – 28 and Col. 7, lines 6 – 10 wherein if the user presses the Right arrow key, when viewing the Home screen or the alternative Home screen, the Phone Book menu screen will be displayed).

However, Blanchard as applied above does not specifically disclose saving the selected state of the second activity to enable subsequent re-entry into the selected state from at least one state of at least one activity other than the second activity without interveningly navigating to any other navigational state capable of receiving user input. In an analogous art, Kraft remedies the deficiencies of Blanchard by disclosing a menu item called "Redo & Undo" (Kraft: Col. 3, lines 51 – 65) that is capable of storing any activity that the user has

accessed while navigating through different activities and displaying it to the user when "Redo & Undo" is selected from the menu and the content is dynamically updated, thus, this "Redo & Undo" list stores everything that the user does with the phone then being able to access the list with ease (Kraft: Col. 5, line 11 through Col. 7, line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Kraft to the system of Blanchard in order to provide a user interface for allowing the user to use the menu items in a menu structure in a more dynamic and efficient way without losing the functionality of the phone.

Regarding claim 2, Blanchard as applied above discloses wherein the second activity is an activity selected from a call activity, a chat activity, a radio activity, and a web browsing activity (call activity such as phone book; Fig. 3); and the first and third activities are different activities selected from the call activity (view all, recall entry, add entry, etc. under the phone book activity; Fig. 3, elements 320 – 324), the chat activity, the radio activity, and the web browsing activity.

Regarding claim 3, Blanchard as applied above discloses wherein the menu driver is further designed to facilitate a user to interact with selectable sub-activities of an activity as a nested scrollable list of selectable sub-activities of the activity (Fig. 3).

Regarding claim 4, Blanchard as applied above discloses wherein the mobile communication device comprises a wireless mobile phone (Fig. 2).

Regarding claim 5, Blanchard as applied above discloses a mobile communication device (Fig. 2) comprising: a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity (Blanchard: Col. 2, lines 26 – 51); a navigation button (menu keys; Fig. 2, elements 221 – 224); and a menu driver (Blanchard: Col. 5, lines 28 – 39) to facilitate a user to navigate among selectable sub-activities of an expandable sub-activity of one activity, including presenting the selectable sub-activities as a scrollable list nested in a presentation of the activity, the scrollable list replacing the expandable sub-activity and displaying only a one of the selectable sub-activities at a time (Fig. 3 clearly shows a scrollable list nested in a presentation of the activity in any one of Fig. 3, elements 210, 320, 330, 340 and 350).

Regarding claim 6, Blanchard as applied above discloses wherein the activity is a selected one of a call activity, a chat activity, a radio activity, and a web browsing activity (call activity; Fig. 3, element 320).

Regarding claim 7, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Regarding claim 8, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 9, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 10, the claim is interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 12, Blanchard as applied above discloses wherein the activity is a selected one of a call activity, a chat activity, a radio activity, and a web browsing activity (call activity; Fig. 3).

Regarding claim 13, Blanchard discloses wherein the first and third activities are the same activity (Fig. 3).

Regarding claim 14, Blanchard discloses wherein the first and forth states are the same state (Fig. 3).

Response to Arguments

9. Applicant's arguments with respect to claims 1 – 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

Application/Control Number:
10/686,339
Art Unit: 2617

Page 8

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho
Examiner
Art Unit 2617

11/23/07 *uc*

George Eng
GEORGE ENG
SUPERVISORY PATENT EXAMINER